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10/579,711	02/27/2007	Kara Calhoun	STAN-337	4793

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Stanford University Office of Technology Licensing
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EXAMINER

UNDERDAHL, THANE E

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1657

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1657

The Applicant has amended claim 1, 5, 6, 12, and 13. Claim 1 now limits the exogenous phosphate is now inorganic phosphate salts in a concentration of at least about 1 mM. Claims 5 and 6 are now written in independent form. Claims 12 and 13 have been narrowed in scope.

The Applicant has inserted the following new limitations into claim 1 and 6 that has changed the scope of the claims;

- Claim 1 is now broadened to include any inorganic phosphate salt and not just those listed in previous claim 6. In turn this amendment has eliminated organic phosphates such as ADP as a possibility for this claim.
- Claim 6 now limits that the particular salts are present in a concentration of 1-20 mM that was not present in any other claims that depended from 6. Previous claim 6 depended directly from claim 1 which limited that the concentration of these phosphate salts was "at least 1 mM". Therefore the claim amendments now insert a new range into claim 6 that was not previously presented in any of the further dependant claims derived from 6.

These limitations were not presented before the Final Office Action was issued. New limitations require new considerations and the possibility of a new search would not be proper since the action was already made final and prosecution is closed. Please See M.P.E.P. § 714.12 and 714.13 for further information.

Furthermore all arguments presented After Final are drawn to these amendments and are not considered at this time since they will not be entered.

It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims.

Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is expected in all amendments after final rejection, i.e., "An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented."

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